

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Yoshiyuki Sasaki

Application No.: 10/058,029

Confirmation No.: 2677

Filed: January 29, 2002

Art Unit: 2627

For: METHOD FOR STORING INFORMATION
WHILE RECORDING MEDIA IS
FORMATTED IN PARALLEL

Examiner: J. L. Ortiz-Criado

REQUEST FOR RECONSIDERATION

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The application has been carefully reviewed in light of the rejection dated September 14, 2007. Claims 1-24 are pending in the application. Applicant reserves the right to pursue the original claims and other claims in this and other applications.

The drawings stand objected to under 37 C.F.R. § 1.83(a). The limitation of "a first rotation mode" finds support both in the summary of the invention at least at page 6, ln. 23 – page 7, ln. 13, and in the claims as originally filed, and is described within the specification with an embodiment which includes the specific nonlimiting example of "speed." In FIG. 6 of the specification, at the "N" branch of decision step S3, and step S4.

The accompanying description on page 16, ln. 16-24 recites that “the controller 13 further checks whether the disc is rotating at a speed suitable for the storing and reproducing of the user's request (S3). If the disc is not rotating at a speed corresponding to the speed of storage and reproduction designated by the user (N branch of S3), the controller 13 changes the rotating speed of the spindle motor 4 through the rotation control unit 10 (S4)” (emphasis added). Although the Office Action asserts that “NO determination if a first mode is suitable for recording/reproducing is found” (emphasis in original), Applicant respectfully submits that the decision step S3 makes such a determination, as described above. The drawings must be interpreted along with the accompanying description, described above.

Whether the speed is at the speed requested by the user is only one example of “determining whether the first rotation mode is suitable for the storing and reproducing of the user's request.” As the claimed “first rotation mode” is sufficiently disclosed and described, and is not limited to the example of “speed,” Applicant respectfully requests that the objection to the drawings be withdrawn.

Furthermore, it should be noted that, regarding the method claims (1-8 and 19-21), M.P.E.P. § 601.01(f) states that “[i]t has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113.”

Claims 1-24 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. This rejection is respectfully traversed.

The limitation of “a first rotation mode” finds support both in the summary of the invention and in the claims as originally filed, and is used within the specification at least at page 6, ln. 23 – page 7, ln. 13, and in the claims as originally filed, and is described within the specification with an embodiment which includes the specific nonlimiting example of “speed.” In FIG. 6 of the specification, at the “N” branch of decision step S3, and step S4. The accompanying description on page 16, ln. 16-24 recites that “the controller 13 further checks whether the disc is rotating at a speed suitable for the storing and reproducing of the user's request (S3). If the disc is not rotating at a speed corresponding to the speed of storage and reproduction designated by the user (N branch of S3), the controller 13 changes the rotating speed of the spindle motor 4 through the rotation control unit 10 (S4)” (emphasis added). Although the Office Action asserts that “NO determination if a first mode is suitable for recording/reproducing is found” (emphasis in original), Applicant respectfully submits that the decision step S3 makes such a determination, as described above.

Whether the speed is at the speed requested by the user is only one example of “determining whether the first rotation mode is suitable for the storing and reproducing of the user's request.” Further, it should also be noted that claims 2, 10, 19-20, and 22-23 all recite limitations relating specifically to the example of “speed.” Therefore, the rejection should pertain, at most, to some of the claims, and not to all of claims 1-24.

Furthermore, it should be noted that, regarding the method claims (1-8 and 19-21), M.P.E.P. § 601.01(f) states that “[i]t has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113.” As such, the written description in the specification, as described above, is sufficient alone for those claims.

As the claimed "first rotation mode" is sufficiently disclosed and described, and is not limited to the example of "speed," Applicant respectfully requests that the rejection be withdrawn.

In view of the above, Applicant believes the pending application is in condition for allowance.

Dated: November 1, 2007

Respectfully submitted,

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